

House File 2237 - Introduced

HOUSE FILE _____
BY DOLECHECK

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act creating a criminal offense relating to theft by a written
2 instrument and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6118YH 82
5 rh/nh/8

PAG LIN

1 1 Section 1. Section 714.1, subsection 6, Code 2007, is
1 2 amended to read as follows:
1 3 6. a. (1) Makes, utters, draws, delivers, or gives any
1 4 check, share draft, draft, or written order on any bank,
1 5 credit union, person, or corporation, and obtains property,
1 6 the use of property, including rental property, or service in
1 7 exchange for such instrument, if the person knows that such
1 8 check, share draft, draft, or written order will not be paid
1 9 when presented.
1 10 (2) Whenever the drawee of such instrument has refused
1 11 payment because of insufficient funds, and the maker has not
1 12 paid the holder of the instrument the amount due thereon
1 13 within ten days of the maker's receipt of notice from the
1 14 holder that payment has been refused by the drawee, the court
1 15 or jury may infer from such facts that the maker knew that the
1 16 instrument would not be paid on presentation. Notice of
1 17 refusal of payment shall be by certified mail, or by personal
1 18 service in the manner prescribed for serving original notices.
1 19 (3) Whenever the drawee of such instrument has refused
1 20 payment because the maker has no account with the drawee, the
1 21 court or jury may infer from such fact that the maker knew
1 22 that the instrument would not be paid on presentation.
1 23 b. Knowingly, with the intent to defraud, stops payment on
1 24 any check, share draft, draft, or written order on any bank,
1 25 credit union, person, or corporation given in payment for the
1 26 receipt of property, the use of property, including rental
1 27 property, or service.

EXPLANATION

1 28 This bill creates a criminal offense relating to
1 29 fraudulently stopping payment on any check, share draft,
1 30 draft, or written order on any bank, credit union, person, or
1 31 corporation.
1 32 The bill provides that a person who knowingly, with the
1 33 intent to defraud, stops payment on any check, share draft,
1 34 draft, or written order given in payment for the receipt of
2 1 property, the use of property, including rental property, or
2 2 service, commits the crime of theft. A person who commits a
2 3 theft commits a class "C" felony, a class "D" felony, an
2 4 aggravated misdemeanor, a serious misdemeanor, or a simple
2 5 misdemeanor, depending on the circumstances of the offense and
2 6 the value of the property taken.
2 7 A class "C" felony is punishable by confinement for no more
2 8 than 10 years and a fine of at least \$1,000 but not more than
2 9 \$10,000; a class "D" felony is punishable by confinement for
2 10 no more than five years and a fine of at least \$750 but not
2 11 more than \$7,500; an aggravated misdemeanor is punishable by
2 12 confinement for no more than two years and a fine of at least
2 13 \$625 but not more than \$6,250; a serious misdemeanor is
2 14 punishable by confinement for no more than one year and a fine
2 15 of at least \$315 but not more than \$1,875; and a simple
2 16 misdemeanor is punishable by confinement for no more than 30
2 17 days or a fine of at least \$65 but not more than \$625 or by
2 18 both.
2 19 LSB 6118YH 82
2 20 rh/nh/8

